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SHORT  
REFLECTIONS  
UPON  
PATENTS,

Relating to the

ABUSES of that noble Privilege, and proposing the Means to reform them.



LONDON,

Sold by R. GRIFFITHS, *over-against Somerset House*  
in the Strand; G. KEARSLEY, at the *Golden-Lion, Lud-*  
*gate-Street*; T. JAMES, at the *Royal Exchange*; and  
J. JOLLIFFE, in *St. James's-Street*. 1760.

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S H O R T  
R E F L E C T I O N S  
U P O N  
P A T E N T S, &c.

I Shall always be of the Opinion that nothing is beneath a Man, which can be of Service to Mankind and prevent the Hurt of Individuals. In order to this, and without other Reasons for so doing, or my casting invidious Reflections upon any one; I thought myself obliged to lay before the Public the Nature of Patents, especially those for Nostrums, and the Way to procure them; I believed this the more necessary, as I never met with a Person that understood this Matter right; but on the contrary had very wrong Notions of it. I took the Trouble, some Years ago, to enquire at the Office, where these things are transacted; so that I cannot be imposed upon, nor do wrong to those who are, or shall be, most concerned in these proceedings.



In the Reign of *William and Mary* (if I remember right the Time) there passed an Act, in order to encourage Ingenuity, which vested a Power in the Crown to grant a Patent to every one, who sued for it, for obtaining an exclusive Privilege to prepare and vend, during the Terms of fourteen Years, what they could make an Oath of was entirely their own Invention. Such a Law certainly reflects great Honour to the August Assembly where it passed: Happy had it been for thousands, if no Abuses could have resulted from so good an Intention!

That these Grants should be of Utility to the Public, the Petitioners promised (but not upon Oath) to leave at the Office the right and genuine Method of preparing, and administering these new discovered Medicines, within four calendar Months from the Date of the Patent. It was a considerable Time before (if my Intelligence is just) Physic had any Share in these Favours, but unfortunately, they are become of late very numerous.

In Consequence of such a Law, any Subject, whosoever, learned or ignorant, has a right, upon swearing as above, to petition for a Patent, and I believe it is not in the Power of those, who grant it to refuse, at least it is hardly ever done. Therefore any low Mechanic may ask for such a thing in favour of the  
most



most trifling Inventions, as the Patent Shot, Paper Hangings, &c. and what will excite Wonder, is that provided you only alter a Thing in a small Degree, or substitute an Ingredient for another of no Signification, or add a trifling one, in a medical Preparation, and change its Name, it is not looked upon as Perjury to take an Oath, that the Person is the Inventor. By these Means several common Compositions in the Materia Medica, are sold as Nostrums or Secrets at an extravagant Price; among many I remember some Years ago, one *Hayward's* Patent Powder, which is nothing else but a Preparation of crude Antimony and Nitre rubbed together, 27 Grains to the Dose; two Pounds of these Ingredients cost but two Shillings, and according to the Price this Composition was sold at, it produced, l. 242. This had a great Run for a little while in the Gout.

I imagined that a Person, who did design to get a Patent was obliged to bring Proofs of the Efficacy and Inoffensiveness of his Nostrum; but the Solicitor laughed, when I asked him such a Question, and told me that provided the Empiric swore that the Thing was his own Invention it was sufficient; that without making any further Enquiries about it he could succeed. I was extremely shocked at this. I then desired to read the Copies of some of the Recipes. I presently found that these were all fallacious and Impositions; consequently  
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they could never be of the least Service to the Community; for it was impossible for any one to comprehend the manner of preparing the Remedies, or even the Names of the Ingredients: thus the good and laudable Design of the Legislature is entirely frustrated, if even such Medicines could be of real Service, or were not already known. I was once speaking to a Person concerned in such an Affair, and asked him, why the Manner of making up and giving his Remedy was not in the Office in a right Method; he smiled and with great Assurance told me, can you imagine we will pay near eighty Pounds for a Patent and set all the Apothecaries in Town to work? No, no indeed.

If it was required, I could prove very plainly that many Patent Nostrooms have not the least Quality ascribed to them, to cure the Distemper they are sold for; that others do a great deal of Mischief: and many are inferior, and a great deal dearer than what are commonly sold in the Shops.

To what therefore can we compare the Impudence of these Fellows, who use the Words. His f——d M——y having taken into his r——l Consideration the Virtue of a Medicine (perhaps for the Cure of a shameful Distemper) in Compassion to those thus afflicted has granted Patents, &c. &c. whereas as I said before, the Remedy is never known; for in the Place of  
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the genuine Recipe, an absurd and nonsensical one is filed at the Office four Months after the Patent is published. Would any rational Creature after reading this Account pay a Regard to Remedies introduced into the World in this Manner? and would they trust their Health to People, who are thus dishonest in more than one Respect? Shall we not pity the Misfortune attending too often those, who are dazzled by the illustrious Name made use of? Should we not endeavour to find out a Remedy for this growing Evil, and prevent the Abuse of a Law, which cannot be rectified by those who grant Patents, but only by the same Authority who enacted it?

A Fellow has by these means a License, (if it can be so called) perhaps to do mischief, and it is certain, without the Intention of those who cannot help granting a Patent for every Invention. These Permissions give as great a Privilege to practise Physic as any Degrees from the University, or the Admission into the Royal College of Physicians. The Inferences which may easily be drawn from these Things are left to the Reader.

But in order to act justly, and according to my real Intention, I most humbly presume to offer, that for the future, if any Person sues for a Patent in the medicinal Way; the Opinion of the President and Censors of the College may be

be had first, as it was in regard to Mrs. *Stephens's* Medicines : and in order to come to the full Truth, that they may have Power to examine into the Nature of the Remedy proposed, and the Proofs there are of his Efficacy ; and that the Petitioner delivers into their Hands upon Oath the genuine Receipt, which will be immediately sealed up and kept so for fourteen Years, and then to be rendered public for the Benefit of the People : The President and Censors promising not to divulge the Nature of the Composition. At the same time it appears absolutely necessary that these Gentlemen should give in their Opinion, whether the future Seller or Dispenser of the *Nostrum* is really capable to administer it, without Danger to the Lives of his Majesty's Subjects.

To promote this salutary End, I take the Liberty to offer a Subscription to obtain an Act of Parliament for the above Purposes ; there can be no doubt of succeeding as soon as the Legislature is acquainted with the Premises.

By these Regulations, I hope that it will appear very plainly that this Method will be productive of great Good to the public, and of more Advantage to really honest, industrious, and capable Inventors of Remedies, who may have the Sanction of those, who only can be proper Judges in such Cases.

F I N I S.